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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,985	07/02/2003	Christopher Tzann-en Szeto {	YHOOP006	4361
29989	7590	12/19/2005	EXAMINER	
HICKMAN PALERMO TRUONG & BECKER, LLP			PWU, JEFFREY C	
2055 GATEWAY PLACE			ART UNIT	
SUITE 550			PAPER NUMBER	
SAN JOSE, CA 95110			2143	

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/613,985	Applicant(s) TZANN-EN SZETO, CHRISTOPHER	
	Examiner Jeffrey C. Pwu	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/26/05 Amendment & 11/10/05 IDS.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 20-29 is/are pending in the application.
- 4a) Of the above claim(s) 10-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 20-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/1905: 11/10/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9 and 20-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Harvey et al. (U.S. 6,487,583).

Harvey et al. teaches claims :

1. A method for controlling an application in an instant messaging environment comprising:

receiving, at an instant messaging environment at a first client (100, IADS (fig.6) – Information and Application Distribution System; col.20, lines 4-21), user input that selects the application, wherein said application resides on a node other than said client; (256 – “send address and personal invitation to central controller”)

in response to said user input, configuring an instant messaging control message for the application, including an identifier to locate the application selected at the first client; (430 - “user interacts in chat room”; 431 – “user requests a game”)
sending the instant messaging control message to a second client; (430) and
using the identifier to locate the application and present, in the instant messaging

environment of the second client, content that results from executing the located application. (430 – “central controller initiates game”)

2. A method as recited in claim 1 further including displaying the results of executing the application in an instant messaging window. (440)

3. A method as recited in claim 1 further including playing the results of executing the application in a player. (playing game)

4. A method as recited in claim 1 further including viewing the results of executing the application in a viewer. (345 – player monitor)

5. A method as recited in claim 1 further including arbitrating data received from a third client based on executing the application. (125b)

6. A method as recited in claim 1 wherein said receiving, at the first client (125a), the user input that selects the application further includes receiving a selection of the application from a list of instant messaging applications. (155a)

7. A method as recited in claim 1 further including simultaneously sharing interaction with the application between the first client and the second client. (160; System 100 operate on a network and connected to other systems sharing a common database)

8. A method for controlling an application in an instant messaging environment comprising:

receiving, in a first instant messaging environment of a first instant messaging client, a selection of a control feature; (305)

configuring a control message based on the received selection of the control feature;

sending the control message from the first instant messaging client to a second instant messaging client; and (115)

using the control feature to present, substantially concurrently in a second instant messaging environment in said second instant messaging client and said first instant messaging environment, results of executing the application. (figs. 8B, 9)

9. A method as recited in claim 8 further including: evaluating the application in an instant messaging environment; and determining a supporting application for executing the application in an instant messaging environment. (fig.8B)

20. A computer program product for controlling an application in an instant messaging environment, the computer program product being embodied in a computer readable medium and comprising computer instructions for:

receiving, at an instant messaging environment at a first client, user input that selects the application;

in response to said user input, configuring an instant messaging control message

for the application, including an identifier to locate the application selected at the first client;

sending the instant messaging control message to a second client in the instant messaging environment, and

using the identifier to locate the application and present, in the instant messaging environment of the second client, content that results from executing the located application. (Claim 20 is similarly rejected as in claims 1 and 8)

21. A computer program product for controlling an application in an instant messaging environment, the computer program product being embodied in a computer readable medium and comprising computer instructions for:

receiving, in a first instant messaging environment of a first instant messaging client, a selection of a control feature configuring a control message based on the received selection of the control feature;

sending the control message from the first instant messaging client to a second instant messaging client, and

using the control feature to present, substantially concurrently in a second instant messaging environment in said second instant messaging client and said first instant messaging environment, results of executing the application. (Claim 21 is similarly rejected as in claims 1 and 8)

22. A system for controlling an instant messaging application comprising:

a first client comprising:

an interface operable to present results of executing said instant messaging application in an instant messaging environment and further operable to receive a selection of a control feature related to said instant messaging application; and

a second client communicatively coupled to the first client to receive said control feature in an instant message from said first client, said second client comprising:

an interface operable to present an instant messaging environment, wherein said second client is operable to use said control feature to display results of executing the instant messaging application in the instant messaging environment of said second client substantially concurrently with executing the instant messaging application in the instant messaging environment of said first client. (Claim 22 is similarly rejected as in claims 1-9)

23. A system as recited in claim 22 wherein said interface of said first client comprises a window for displaying a result of executing the instant messaging application. (345)

24. A system as recited in claim 22 wherein the instant messaging application includes a video file. (col.10, lines 9-30; claims 134, 148)

25. A system as recited in claim 22 wherein the instant messaging application includes an audio file. (col.10, lines 9-30; claims 134, 148)

26. A system as recited in claim 22 wherein the instant messaging application includes an instruction set for viewing data. (claims 3, 16, 29, 41, 53, 79, 91)

27. A system as recited in claim 22 wherein the instant messaging application includes an instruction set for using a supporting application to execute the instant messaging application. (claims 3, 16, 29, 41, 53, 79, 91)

Response to Arguments

3. Applicant's arguments with respect to claims 1-9 and 20-29 have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



12/5/05

JEFFREY C. PUW
PATENT EXAMINER